

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

REVISED 1/29/21

Part I: Measure Information

Bill Request #: 9

Bill #: HB 126

Document ID #: 147

Bill Subject/Title: AN ACT relating to crimes and punishments.

Sponsor: C. Ed Massey

Unit of Government:

<u>x</u>	City	<u>x</u>	County	<u>x</u>	Urban-County Unified Local Government
<u>x</u>	Charter County	<u>x</u>	Consolidated Local	<u>x</u>	

Office(s) Impacted: local law enforcement and jails

Requirement: **x** Mandatory Optional

Effect on				
Powers & Duties:	x	Modifies Existing	Adds New	Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 126 amends numerous KRS sections to increase the felony threshold for theft and fraud offenses to \$1,000. It creates a Class B misdemeanor level for theft and fraud offenses and amends the Class A misdemeanor level to be \$500 or more but less than \$1,000

HB 126 enhances the penalty for three convictions of a Class A misdemeanor to a Class D felony if the convictions occur within a five year period and allows offenses that occur within 90 days to be aggregated into one offense.

The fiscal impact of HB 126 is indeterminate and, for individual county jails, could range from minimal to moderate to potentially significant. There will be a decrease in felony incarcerations in local jails and an increase in misdemeanor incarcerations. Class

D felony incarcerations are subsidized by the state. Misdemeanor incarcerations are not. The costs of misdemeanor and Class D felony incarcerations are described below.

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$37.35 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$37.35 per day.

Class D Felons:

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$37.35, which includes the \$31.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the bill as drafted

Data Source(s): Kentucky Department of Corrections; Kentucky Association of Chiefs of Police; Kentucky Jailers Association; Kentucky Sheriffs Association

Preparer: H, Marks **Reviewer:** KHC **Date:** 12/18/20